

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ARESTY INTERNATIONAL LAW OFFICES,)
P.C.)
)
Plaintiff,)
)
v.) CASE NO. 04-12532 RWZ
)
)
HARTFORD FIRE INSURANCE COMPANY)
)
Defendant.)
)

JOINT MOTION TO CONTINUE TRIAL DATE

Plaintiff Aresty International Law Offices, P.C. (“Anesty”) and Defendant Hartford Fire Insurance Company (“Hartford”), hereby submit this joint motion to continue the trial date that was tentatively scheduled for the week of May 16, 2005, pending the disposition of a previously docketed criminal trial, at Pretrial Conference on March 22, 2005:

1. Despite the parties’ good faith efforts to complete discovery by the date of trial, the parties have yet to complete the following three depositions:

A. Robert Percopo: Plaintiff learned during the course of deposing the two claims adjusters who handled Aresty’s claims that Mr. Percopo, currently office manager at the Hartford, acted as their supervisor and had final authority to deny Aresty’s claims. Plaintiff also requires the production of Mr. Percopo’s claims file and any additional documents concerning his decision to deny Aresty’s claims.

B. Jeffrey Aresty: The Hartford seeks to depose Jeffrey Aresty with respect to the issue of extent of loss, and requires the production of any and all documents on which Aresty will rely in support of the extent of loss.

C. Lawrence Berman: The Hartford seeks to depose Lawrence Berman, Aresty's public adjuster, with respect to the issue of extent of loss. The Hartford has already been provided with Mr. Berman's claims file.

2. Plaintiff will be disclosing Bruce Swerling, SPPA, as a witness retained to provide expert testimony with respect to the issues of extent of loss, and potentially the industry standard of care in adjusting claims for loss similar to Aresty's. Plaintiff will shortly provide further discovery as required by the Federal Rules of Civil Procedure governing the disclosure of expert testimony, and will make Mr. Swerling available for deposition upon the Hartford's request.

3. The parties have delayed filing this motion in their effort to complete discovery prior to the date of trial, and also in the hope that a settlement might be achieved in the interim. However, at this time, neither appears reasonably feasible.

WHEREFORE, the parties respectfully ask that the date of trial be postponed for three weeks until June 6, 2005, or the first available date thereafter, to enable the parties to conclude discovery and resolve any additional outstanding matters.

Respectfully submitted,

Aresty International Law Offices, P.C.

By its attorney,

/s/ James T. Hargrove

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Hartford Fire Insurance Co.

By its attorney,

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Dated: May 11, 2005